

4.1 - SE/15/00376/FUL Revised expiry date 29 April 2016

**PROPOSAL:** Redevelopment of site comprising of the demolition of existing vacant industrial building and the erection of 36 affordable residential units, 50 car parking spaces, associated highways and landscaping works.

**LOCATION:** Westerham House, Fircroft Way, Edenbridge TN8 6EL

**WARD(S):** Edenbridge North & East

#### **ITEM FOR DECISION**

This application has been referred to Development Control Committee by Councillors Scholey and McGregor, for the reasons set out in the report.

**RECOMMENDATION:** A. That planning permission be GRANTED subject to the completion of a section 106 obligation to provide affordable housing units on the development and subject to the following conditions:-

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) No development shall be carried out on the land until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan..

3) No development shall be carried out on the land until full details of hard and soft landscape works have been submitted to and approved in writing by the Council. Those details shall include:

- the materials to be used in the surface finishes of all hardsurfaces
- details of the materials to be used for the cycle and bin stores-planting plans (identifying existing planting, plants to be retained and new planting);
- a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation.

The development shall be carried out in accordance with the approved details. If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species. The Local Planning Authority is satisfied that it is fundamental to the development permitted to

address this issue before development commences and that without this safeguard planning permission should not be granted.

To enhance the visual appearance of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

4) Before the use or occupation of the development hereby permitted, the car parking and turning areas shown on the approved plans shall be provided and shall be kept available for the parking of cars at all times. Seven spaces shall be marked specifically for visitor parking.

In the interest of highway safety as supported by Policies EN1 and T2 of the Sevenoaks Allocations and Development Management Plan.

5) No unit shall be occupied until vehicle and pedestrian access, including the pedestrian crossover to the east of the site, as shown on the approved plans has been completed.

In the interest of highway and pedestrian safety as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

6) No development shall commence until details of acoustic protection measures to demonstrate that amenity space and habitable rooms within the development would meet World Health Organisation Community Noise guidance, have been submitted to and approved in writing by the Local Planning Authority. The submission shall provide details of environmental noise levels, calculations of attenuation and specifications for glazing, powered and passive ventilation and acoustic barriers or fences. The development shall be carried out in accordance with the approved details prior to first occupation of any unit and the measures shall be maintained thereafter.

To ensure a suitable residential environment, in accordance with Policies EN2 and EN7 of the Sevenoaks Allocations and Development Management Plan.

7) Before development commences, a detailed remediation plan based on the recommendations of the Phase 1 and Phase 2 Site Investigation Reports by Soil Environment Services Ltd, and including specifications for protection membranes and services shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried in accordance with the approved details. No unit shall be occupied until a verification report has been submitted to and approved in writing by the Local Planning Authority, detailing all investigation, remediation measures, and certificates for removed and imported soils.

In the interests of human health and pollution, in accordance with the National Planning Policy Framework.

8) No development shall be commenced until a detailed surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- an assessment of the potential for disposing of surface water by means of a sustainable drainage system, with connection to a combined sewer as the last option;
- information about the design storm period and intensity, the method employed

to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters. This shall include calculations for surface water drainage design which demonstrate depths and volume for the discharge rate proposed can be accommodated appropriately within the pavement areas.

- If connection to a combined sewer is sought, details of the ownership and use of the system as well as the sewer condition and invert levels if it is not a public sewer.

- a timetable for implementation;

- a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be carried out in accordance with the approved details prior to first occupation of the development hereby permitted.

To ensure the provision of an appropriate surface water drainage system, in accordance with Policy SP2 of the Sevenoaks Core Strategy.

9) The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

In the interest of Security, Crime Prevention and Community Safety and in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan and the guidance within The Kent Design Initiative (KDI) and protocol dated April 2013.

10) No extension or enlargement shall be carried out to the dwellings hereby approved, despite the provisions of any Development Order.

To safeguard neighbouring amenities, in accordance with Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

11) No development shall take place until details of the existing levels of the land, proposed floor levels and details of proposed site levels have been submitted for approval. The development shall be carried out in accordance with the approved details.

To ensure a satisfactory appearance to the development and relationship with neighbouring buildings, in accordance with Policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

12) The development shall be carried out in accordance with the precautionary measures as set out in Section 4.4 of the ECOSA Ecological Assessment dated May 2015. Further details relating to ecological enhancements as set out in Section 4.4 of the report shall be submitted to and approved in writing by the Local Planning Authority and such enhancements shall be carried out on site prior to first

occupation of the development.

In the interests of biodiversity, in accordance with policy SP11 of the Sevenoaks Core Strategy.

13) No development shall commence on any part of the land, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors,
- loading and unloading of plant and materials,
- access and turning facilities for construction vehicles, including measures to prevent vehicles from reversing out of the site unless under the supervision of a banksman
- storage of plant and materials used in constructing the development,
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate,
- wheel washing facilities,
- measures to control the emission of dust and dirt during construction,
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

In the interests of highways safety and the amenities of the area, in accordance with policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

14) The development hereby permitted shall be carried out in accordance with the following approved plans: 0399-F-O-001 Rev 01, 0399-F-O-002 Rev01, 0399-D-O-100 Rev05, 101 Rev 06, 102 Rev 06, 103 rev 05, 110 Rev 05, 200 Rev 02, 201 Rev 02, 202 Rev 02, 203 Rev 02, 204 Rev 02, 205 Rev 02, 206 Rev 03, 207 Rev 03, 300 Rev 02, 301 Rev 02, 400 Rev 02, 401 Rev 02, 410 Rev 01

For the avoidance of doubt and in the interests of proper planning.

#### **Informatives**

1) Please be aware that this development is also the subject of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.

B. That if a section 106 legal obligation is not completed within 3 months from the date of the Development Control Committee then the application shall be REFUSED on the following ground:-

1) In the absence of a completed section 106 obligation, the proposed development fails to make provision for affordable housing and is contrary to Policy SP3 of the Sevenoaks Core Strategy.

### **Note to Applicant**

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line ([www.sevenoaks.gov.uk/environment/planning/planning\\_services\\_online/654.asp](http://www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp)),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Was provided with pre-application advice.
- 2) The applicant was provided the opportunity to submit amendments to the scheme/address issues.
- 3) The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

### **Description of Proposal**

- 1 This application seeks to demolish the existing industrial premises and erect 36 residential units. The units would consist of 21 no two storey dwellings (2 and 3 beds) arranged in three terraced blocks, and a three storey building containing 15 x 1 and 2 bed flats. The application has been made on the basis that all the units would be affordable dwellings on a shared ownership basis.

## Description of Site

- 2 The application site is a former printworks within the existing industrial estate at Fircroft Way. The site occupies a backland location, adjacent to the railway line to the north and a 1960s housing estate to the east. Existing industrial units are sited to the south and west of the site.
- 3 The existing building is industrial premises with office accommodation. The building occupies a significant proportion of the site and stands at between 10.2 and 12.7 metres in height. The building is dated and in some disrepair. The remainder of the site is laid to hardstanding. The land rises to the railway line to the north, and a large retaining structure marks this change. A bank of trees between the retaining structure and railway line are protected by a Tree Preservation Order.
- 4 The site is located within an identified employment area and within the urban confines of Edenbridge.

## Constraints

- 5 Allocated employment site
- 6 TPO trees to north of site
- 7 Air Pollution Control Site

## Policies

### *ADMP:*

- 8 Policies -EN1, EN2, EN7, EMP1, T1, T2

### *Sevenoaks Core Strategy:*

- 9 Policies - LO1, LO6, SP1, SP2, SP3, SP5, SP7, SP8

### *Other:*

- 11 The National Planning Policy Framework - in particular :
  - Para 17 - encouraging the effective use of brownfield land
  - Para 19 - support for sustainable economic growth
  - Para 22 - Avoidance of long term protection of sites for employment use where there is no reasonable prospect of this.
  - Para 47 - To boost significantly the supply of housing through meeting objectively assessed needs for market and affordable housing, as far as is consistent with policies in the NPPF.
  - Para 49 - Housing applications should be considered in the context of the presumption in favour of sustainable development

Para 51 - LPAs should normally approve planning applications for change to residential use

Para 69 - creating healthy, inclusive communities, safe and accessible environments

## Planning History

12 None of relevance

## Consultations

### *Edenbridge Town Council*

Original comments

13 Members object strongly for the following reasons.

1. SP8 of core strategy, as further confirmed with ADMP, allocated the land for employment.
2. SP3 of core strategy favours mixed housing development. Affordable, social and market value housing should be mixed to enhance social interaction - this plan is a social housing ghetto in an unattractive location behind industrial buildings.
3. Because the plan is proposed for social housing, there would be no contribution to CIL but stress would be put on schools, doctors, emergency services, etc.
4. Housing is not of high quality design.
5. Overdevelopment.
6. Issues with access on to the highway.
7. Industrial noise pollution for potential residents - environmental health.
8. Members suspect that the police will raise an objection because the developer does not appear to have included crime prevention in the design.

Further Comments

14 Objection:

Members wish the following to be added to their original comments.

There is a busy railway line along the back of the site which is carrying an increasing amount of freight, day and night, and members request that the Environmental Health Officer determine whether the proposed noise attenuation is adequate.

Fircroft Way is extremely congested and even the buses have trouble getting along the road. Members request an up to date traffic survey to assess whether Fircroft Way can service the proposed houses.

Please could officers look at the totality of the affordable housing for this application and the St John's Way one, and whether this exceeds the local need as measured by the most recent Strategic Housing Market Assessment.

### *Kent Highways*

15 I have the following comments:-

1. The footway on the west side of the access road is shown as being less than 1 metre wide over part of its route. If this road is to be adopted, the footway should be no less than 1.2m wide, and preferably wider. This can be achieved by narrowing the footway on the east side of the road where necessary (although to be no narrower than 1.2m at any point.) This east footway would be adjacent grass verge so in practice residents using it would experience less constraints than they would using a footway of similar width on the opposite side of the road where it would be flanked by the adjacent office building.

2. Door or gate opening onto the footway at property #1 would not be acceptable if the road is to be adopted;

3. KCC would not adopt any bollard lighting. It is considered to be prone to vandalism and an inefficient means of lighting the public highway;

4. Parking provision does not quite meet the SDC parking standards. However I do not consider that the shortfall would lead to significant highway safety issues. It is noted that Fircroft Way has double-yellow line waiting restrictions in the vicinity of the development. Whether or not the parking shortfall would lead to amenity issues is, I suggest, a matter for the parking enforcement authority.

16 If the application is granted planning permission please would you ensure a planning condition requiring the applicants to submit a simple construction management plan, providing:-

1. A commitment that no lorry will be permitted to reverse into or out of the site except under the supervision of a banksman;

2. Details of wheel washing facilities to be used by all lorries leaving the site during construction.

### *Environment Agency (summarised)*

17 In this instance, we have made the decision not to provide detailed site-specific advice or comments with regards to land contamination issues. This decision has been taken using a risk based approach.

### *KCC Ecology (Summarised)*



- 18 Bats - satisfied with the result of the emergence surveys which did not record any bats using the building. Advise that lighting should be controlled to be bat-sensitive.

Great Crested Newts - Agree that limited potential for GCN. If permission is granted the precautionary approach detailed within the ecology report should be implemented during construction.

Breeding Birds - works to remove buildings and vegetation should take place outside the breeding bird season, or only if an ecologist has examined the site to record there are no nesting birds or that the young have fledged.

Enhancements - The ecological report has made a number of recommendations to enhance the site - we advise that these are incorporated in to the site plan if planning permission is granted.

*Tree Officer (summarised)*

- 19 No objection subject to a detailed soft landscaping condition

*SDC Housing Policy*

- 20 The scheme proposes 36 homes, 100% of which will be affordable housing, provided on a shared ownership basis (part rent/part buy). Any scheme providing in excess of the 40% affordable housing required by Core Strategy Policy SP3 (14 homes) is welcomed. However as no affordable rented homes are proposed, this scheme is not Policy compliant.
- 21 The Help to Buy register (shared ownership register) had 342 applicants with a local connection to Sevenoaks District, as at December 2015. The number of applicants is likely to increase going forward, as the maximum eligible income level was increased in January 2016. It is noted the homes will be marketed with due regard to the Sevenoaks Intermediate Housing Protocol, thereby giving priority to first time buyers with a local connection to Sevenoaks District.
- 22 The overriding housing need within the District continues to be for affordable rented housing. As at April 2015, the Sevenoaks District Housing Register had 715 households registered. The Strategic Housing Market Assessment (2015) also identified an overwhelming need for affordable rented housing.
- 23 From the supporting letter provided by Hyde Housing, it is noted the annual 1% rent reduction required by Government for social/affordable rented homes is affecting the ability of Registered Providers (such as Hyde Housing) to provide new affordable rented homes. Nevertheless, so as to be Policy compliant and in order to best meet housing need, it would be preferable if at least 9 homes for affordable rent (65% of 14 homes) were provided.
- 24 If a 100% shared-ownership housing scheme is indeed the only feasible scheme on this site, such a scheme is supported as it would meet a category of identified housing need by helping local first time buyers get onto the property ladder.

Further comments (summarised)

- 15 The Housing Officer has accepted that the interest in this site from Housing Associations has been only on the basis of a shared ownership scheme, and that the development will come forwards as either a 100% affordable housing scheme or not at all.

*Environmental Health Officer*

Noise

- 16 The acoustic assessment has not included a BS4142:2014 assessment for adjacent plant, equipment and activity that may affect the proposed dwellings. A BS4142 assessment takes account of psychoacoustic impact as well as measures levels. That said I believe that potential issues can be overcome by a condition such as-
- 17 The applicant shall submit details of all acoustic protection measures to ensure that amenity space and habitable rooms within the development meet World Health Organisation Community Noise guidance.
- 18 The submission shall show environmental noise levels, calculations of attenuation and specifications for glazing, powered and passive ventilation and acoustic barriers or fences. The scheme is to be approved in writing and fully implemented before habitation.

Contaminated Land

- 19 The applicant shall submit a detailed remediation plan including specifications for protection membranes and services to be agreed in writing before implementation. On completion a verification report will be required detailing all investigation, remediation measures, certificates for removed and imported soils. No habitation shall be permitted until the verification report has been submitted and approved in writing by the planning authority.

*Head of Economic Development and Property*

- 20 Following initial concerns expressed regarding the marketing information and viability assessment submitted by the applicant and a subsequent meeting with the applicant and their advisors, further information has now been submitted to support the applicant's case. I am satisfied that the existing building has been marketed in accordance with policy requirements and that there is no demand for the property in its current form. I am also satisfied in view of the nature and location of the building that this is unlikely to change during the plan period.
- 21 The applicant was asked to review their viability appraisal and a number of assumptions contained therein on the basis of demolition and redevelopment as single storey light industrial or warehousing units. The applicant has now done this and submitted updated appraisals with further justification for the assumptions they have used. Whilst I still have a difference of opinion on a number of the assumptions used by the applicant,

having reviewed the appraisal and discussed the local market with local commercial property agents, on balance I accept that redevelopment of this site in isolation for employment use is unlikely to be viable.

### *Planning Policy*

#### Initial comments

- 22 It is noted that the applicant has submitted information that indicates that the site has been marketed for industrial use (as stated in the Howard Cundey letter - Appendix 3 of the planning statement) for a period of 2 years and that there was an extremely low rate of interest with only four offers, three of which withdrew in the early stages of negotiation. This evidence is satisfactory in demonstrating that there is no reasonable prospect of the site being used for industrial use in the short term.
- 23 The applicant is also required to demonstrate that there is no reasonable prospect of the site being used for employment purposes to the end of the plan period.
- 24 The Long Term Employment Space Projections (2011) forecasts a reduction in industrial (B1(c) and B2 use) floorspace of 10,400sqm up to the end of the plan period (medium scenario). Between April 2012 and March 2014 there has been a loss of 3667sqm. An additional 1094sqm will be lost as a result of the housing allocations in the ADMP. This proposal would result in the loss of 4592.4sqm in industrial floorspace which would bring the total loss since the study to 9353sqm.
- 25 The applicant has submitted evidence that states that the site was marketed for industrial use during a growth in the UK GDP and yet there was no noticeable increase in the level of interest in the site. It has also been suggested that the nature of the building itself, designed and built for an industry which has changed, hinders the reuse for employment in the future.
- 26 It is not clear, however, if the redevelopment of the site for a different (non-industrial) employment use has been thoroughly marketed or investigated. The evidence submitted states that consideration of the reuse of the existing building for industrial use has been explored but there is no satisfactory evidence to show that alternative employment uses would be unsuitable or unviable on the site. Additionally, there has been no consideration for a mixed use scheme which includes a reduced level of business floorspace on the site. Therefore it has not been demonstrated that the tests set out in policy SP8 of the Core Strategy have been met.

#### Further comments (summarised)

- 27 The applicant has submitted additional information including a viability appraisal of potential site options. The viability appraisal has addressed many of the issues previously raised and therefore it is considered that the tests set out in Policy SP8 have been met.

- 28 The scheme is not policy compliant in relation to the affordable housing tenure mix. Further investigation is required into whether the inclusion of a market housing element to subsidise rented units would be feasible. If a 100% shared-ownership housing scheme is the only feasible scheme on this site, although it does not meet the district-wide housing need, additional shared ownership housing in this area of Edenbridge might improve the housing mix and to create 'housing pathways' for those currently residing in social/affordable rented units.

*Kent Police (summarised)*

- 29 Kent Police raise no objection to the development but recommend a condition requiring measures to minimise crime to be incorporated into the scheme.
- 30 Kent Police recommend that the applicant contacts them directly to discuss crime prevention in more detail.

Officer note - the Council has been made aware that discussions have taken place between Kent Police and the applicant's representatives. I am awaiting any further comments from the Police and, if received, these will be reported to Members under the late observations.

*Natural England (summarised)*

- 31 No objection.

*Kent County Council Local Lead Flood Authority (summarised)*

- 32 It is anticipated that the current layout may accommodate surface water attenuation storage with controlled discharge to a sewer system but further details need to be submitted to confirm the feasibility of the proposal, specifically:
- Details of the sewer system to which the surface water system is connecting. It should be noted that within KCC Drainage and Planning Policy Statement that connection to a combined sewer is the last option within the drainage hierarchy. Information should be provided as to the ownership and use of the system as well as the sewer condition and invert levels if it is not a public sewer.
  - Calculations for surface water drainage design which demonstrate depths and volume for the discharge rate proposed can be accommodated appropriately within the pavement areas.
- 33 It would be beneficial if information on the existing drainage system for the site could be submitted. Without more detailed information with respect to the discharge point and volumes of attenuation, it is possible that surface water will not be adequately accommodated onsite and may be contributing to a system which is also not adequate, thus increasing flood risk onsite and offsite. Given that this application is a full application, it would be preferred if these matters could be addressed prior to determination.

## *Southern Water*

34 No objection

### **Representations**

35 15 letters of objection have been received -

- Loss of industrial buildings and employment opportunities
- Further increase in housing within the town
- Lack of schools
- Insufficient access
- Poor outlook / environment from proposed dwellings
- Impact on existing dwelling through increase noise, and activity
- Lack of local facilities - health provision, medical and dentist facilities
- Existing demand for site to be retained in commercial use
- Amount of traffic on Fircroft Way (including buses and HGVs) and conflict with residential use
- Loss of daylight
- No need to provide pedestrian access into the adjacent residential area
- Objection to location of bin and cycle stores (now resolved as moved away from area in question)
- The adjacent unit has been occupied by A W Champion, and the proposed dwellings are too close to this boundary
- Potential for anti-social behaviour on boundary with adjacent industrial unit
- Lack of open space

36 This application has been referred to committee by Cllrs Scholey and McGregor, for the following reasons -

1) SP 3 The proposal does not meet the part of SP 3 which states that affordable housing should be within schemes which create an inclusive development. Also SP 3 states that a development of this size should have 40% of the total number of units affordable. There a provision within SP 3 to reduce this figure to below 40% if it can be independently shown that 40% would not be viable. I cannot find any provision within SP 3 to increase the 40% figure.

2) SP 8 Sites used for business purposes will be retained for business use. This site is in the heart of an area used for business use it allowing an area in the middle of this area will set a precedent for piecemeal loss of bits of a significant area of employment land in Edenbridge.

3) SP 9 It is accepted that the provision of some parts of the infrastructure of Edenbridge are under stress (e.g. medical and educational provision) and future housing developments will exacerbate this. Policy SP 9 was intended to ensure new developments made contributions to fund additional requirements. To some extent this policy has been superseded by CIL. This

proposed development has been artificially designed to avoid making any CIL contributions.

4) NPPF 70 The proposal fails to contribute "To deliver the social, recreational and cultural facilities and services the community needs". This section also includes a requirement to "ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community." By artificially designing the development to avoid making CIL contributions this proposal fails to meet NPPF 70.

## Chief Planning Officer's Appraisal

### *Principal Issues*

- 37 The application seeks to redevelop an existing employment site within the built confines of Edenbridge, which is the third largest settlement within the District. Policy LO1 of the Core Strategy seeks to focus development in such areas. Policy LO6 of the Core Strategy is specific to Edenbridge, and sets out criteria for the delivery of housing on a range of sites within the town, and the retention / regeneration of existing suitable employment sites.
- 38 The proposed development would result in the loss of an existing employment site, and would extend residential development from the housing estate to the east into the industrial estate at Fircroft Way. The following sections explore these matters in detail.

### *Loss of Employment land*

- 39 Policy SP8 of the Core Strategy is the overarching strategic policy relating to the retention and creation of employment and business uses in the District. The policy sets out that sites used for business purposes will be retained in business use unless it can be demonstrated that there is no reasonable prospect of their take-up or continued use for business purposes during the Core Strategy period.
- 40 Policy EMP1 (v) of the ADMP defines the application site as part of an identified allocated employment area at Station Road, Edenbridge. The policy sets out that such allocated sites will be retained, intensified and regenerated for B1-B8 uses. Policy LO6 of the Core Strategy seeks to retain suitable employment sites in Edenbridge.
- 41 The pre-amble to Policy EMP1 sets out the information that the Council would expect to be provided by an applicant seeking release of any employment land under Policy SP8, and requires the following -
- Information to show that the site has been unsuccessfully marketed for use of the existing buildings or partial / comprehensive development for a period of at least one year, at a time when the site is available.
  - Information to demonstrate that forecast changes in market conditions will not result in take up of all or part of the site

- 42 The applicant has provided an economic statement, evidence and further supporting information on the viability of the site for ongoing employment use. The information supplied includes the following on the existing building and site -
- That the property was formally marketed from March 2012 to March 2014 at a realistic price (subsequently reduced) through a variety of recognised channels, and by a recognised local agent.
  - That from January 2013 the property was offered for letting on a flexible licence basis at a nominal rent
  - That 74 enquiries were received and four offers made. Three offers were withdrawn early in negotiations, and the fourth was the current applicant.
  - That the property was removed from the market in June 2014 following purchase by the applicant
  - That there is no reasonable prospect that the site will be taken up for business purposes during the Core Strategy period for the following reasons -
    - 1) The building was specifically designed and occupied as a printworks and is unsuitable for modern industrial operations. The bespoke design has heavily compromised marketability of the building. Although printing was a key industry in Edenbridge, this has declined in recent years.
    - 2) The site occupies a backland location and makes it unacceptable to a group of business operators being those who rely on a profile and presence on the public highway to be noticed by trade or public customers
- 43 The Council's Head of Economic Development and the Planning Policy team have considered the above factors. They accept that the site has been marketed in accordance with policy requirements, and that there is no demand for the property in its current form.
- 44 The site forms part of the employment land supply that the Employment Land Review (2007) and the updated Long Term Employment Space Projections (2011) recommend should be retained to meet requirements to 2026. The latter document does forecast a reduction in industrial floor space (B1 (c) and B2) of 10,400 sqm up to the end of the plan period. Since 2012, there has been a loss of 4356 sqm of such floorspace, with an additional 1094 lost through housing allocations in the ADMP. The loss of the application site would bring the total loss to 10,042sqm, within the parameters of the forecast reduction
- 45 Taking the above into account, I consider that the existing building and site was marketed appropriately, and that the lack of interest can be attributed to the characteristics of the building designed for printing, the decline of the printing industry in Edenbridge, and the backland location of the site without a visible presence on the road. The Council's evidence base on employment land forecasts that there will be a reduction in industrial floorspace, and this would fall within the parameters of the forecast. Overall I am satisfied that the information submitted satisfies the test that there is no reasonable prospect of take-up of the existing building and site for employment / business use.

- 46 The policy test also requires evidence to demonstrate that the site could not be retained in business / employment use through partial or complete redevelopment. In this respect, the applicant has tested the viability of two site options, being a cleared site for employment use and either single storey or two storey workshop / business units. The redevelopment option was reported to result in a significant deficit in residual land value (i.e that the costs of carrying out the development would outstrip any return in value, meaning that there would be a negative land value). The costs of clearing the site Vs the value it would generate as a cleared site would result in a nominal residual land value of £70,000 before any build costs and returns were then factored in. This figure is reported as being an unviable value, given the risks attached to clearance of the site and to achieving the estimated sale price as a cleared site. The applicant has also tested a number of scenarios for development of a cleared site purchased at the above price, but all returned a significant projected deficit.
- 47 The Council's Economic Development Manager has considered the viability testing undertaken by the applicant in relation to redevelopment options. Whilst he takes issue with a number of assumptions used, having reviewed the appraisal and discussed the local market with local commercial agents, he advises that redevelopment of the site for employment use is unlikely to be viable.
- 48 On this basis, I consider that a case has been made by the applicant to demonstrate that there is no reasonable take-up or continued use of the premises for business purposes during the Core Strategy period, and would therefore not conflict with Policies LO6 or SP8 of the Core Strategy or in turn Policy EMP1 of the ADMP.
- 49 The NPPF offers clear support for economic growth as a fundamental dimension to sustainable development. However paragraph 22 of the NPPF makes clear that sites allocated for employment uses should not be retained where there is no reasonable prospect of a site being used for that purpose. I consider that the release of the application site would accord with this advice.

### *Housing Need*

- 50 The application seeks permission for residential development of the site. The Council's latest Strategic Housing Market Assessment (SHMA) identifies an average annual housing need of 620 dwellings per year over the 2013-33 plan period. Members will be aware that this is an unconstrained figure (i.e "policy -off") that does not take into account the presence of the green belt and AONB within large parts of the district. However this need is significantly greater than the annual average requirement in the Core Strategy of 165 units.
- 51 Within this figure, the SHMA also identifies an extremely high level of need for affordable housing.
- 52 Whilst the Council is meeting targets for the delivery of housing under adopted development plans, the NPPF seeks to significantly boost the delivery of housing. The redevelopment of the site for residential use would



contribute towards this on a brownfield site within an urban area. The scheme is being presented as a 100% affordable development scheme, and this would help deliver a form of housing that is in particular shortage within the District.

- 53 Policy LO6 of the Core Strategy states that provision will be made for approximately 410 dwellings in Edenbridge. However this figure was set prior to the publication of the NPPF, and the emphasis on the delivery of new housing is now much greater. The Council has already accepted that this figure is out of date through the subsequent allocation of land west of St Johns Way in Edenbridge in the ADMP as a major housing site.
- 54 On this basis, redevelopment of the site for housing would boost the delivery of housing in accordance with the NPPF.

### *Type of Housing*

- 55 Policy SP3 of the Core Strategy requires housing developments of 15 units or above to deliver 40% of the units as affordable housing. On this site, this would equate to 14 units. The policy seeks a split in affordable units of 65/35% in favour of affordable rented units. As such this would equate to 9 affordable rented and 5 shared ownership units.
- 56 The applicant has reached agreement with a Registered Provider (Hyde Housing) to take on all the units as affordable housing, and as such the application seeks to exceed this policy target. The delivery of 36 affordable units on the site would add to the District's affordable housing stock and would make a contribution towards delivering a type of housing for which there is significant unmet need.
- 57 The scheme has been amended during the course of the application and now seeks to deliver all units on a shared ownership basis, with no rented housing proposed. The application includes supporting information which sets out the reasons why rented accommodation cannot be provided. This is on the basis that the Government has introduced an annual 1% rent reduction for residents of affordable rented homes, and this reduction in income is affecting the ability of Registered Providers to provide new affordable rented homes. In fact the original housing provider secured by the applicant (Town and Country Housing) pulled out of the scheme following the introduction of the rent reduction, and the new housing provider (Hyde Housing) will only progress with the scheme on the basis that it is a 100% shared ownership venture.
- 58 Policy SP3 of the Core Strategy sets out that the delivery of affordable housing should be weighted in favour of a 65/35% split towards affordable rented units. In this respect, the development would not accord with this element of the proposal.
- 59 Although the scheme seeks to deliver all the units as affordable shared ownership houses, it is important for Members to note that the Council as the Local Planning Authority can only normally secure 40% of units under a S106 agreement as affordable housing in order to be Policy compliant. In addition, this arrangement offers Hyde Housing the opportunity to obtain

central grant funding which is only available for affordable housing delivered outside of S106 agreements. Notwithstanding this, and in light of the benefits (all affordable housing) vs disadvantages (no rented) of the scheme, the Council is exploring options to provide security that all units will be delivered as affordable homes. This could, for example, include a clause that the site was only sold to Hyde Housing or another Registered Provider. Hyde Housing has also submitted a letter stating that the entire scheme would be delivered in compliance with the Council's Intermediate Housing protocol.

60 Officers have also queried with the applicant whether the provision of open market housing within the development would raise development values, which in turn could be used to make the provision of rented units viable. However the Registered Provider is only willing to take on the development if all units are affordable. The only interest from registered providers has been for a 100% affordable scheme. A small number of open market units within the scheme would also create some management issues for the Registered Provider. The Council's Housing Officer is satisfied that this scheme will either come forward as a 100% affordable scheme, or not at all.

61 In summary,

- The development would secure 40% of the units as affordable housing through a S106 agreement. However these would all be on a shared ownership basis
- The remaining 60% of units could be delivered as open market housing under the terms of the planning permission, but Hyde Housing seek to deliver these as additional shared ownership housing outside of the terms of the S106 agreement but in accordance with the Council's intermediate housing protocol.
- Officers are exploring ways in which the delivery of the remaining units outside of the usual S106 obligation can be secured. Members will be updated on this at the Planning Committee.
- The delivery of rented units is not a viable option to Hyde Housing (or to the previous Registered Provider)
- The provision of some open market units is not an option to the Registered Providers that have shown interest in the scheme.

62 Given the difficulty experienced by two Registered Providers in accommodating affordable rented housing on this site, I am satisfied that the alternative provision of shared ownership units would be acceptable. As the Housing Officer has specified, there are currently 342 applicants with a connection to Sevenoaks who are on the register for shared ownership housing. Policy SP3 of the Core Strategy does allow for an alternative mix to be agreed and I am satisfied that in this instance a shared ownership scheme would be an appropriate form of development, and would not conflict with SP3 of the Core Strategy.

63 The development would offer a range of 1, 2 and 3 bed properties, and this would provide a mix of housing units as per Policy SP5 of the Core Strategy. 23 of these units would be less than 3 bedrooms, in accordance with the aims of this policy to increase the stock of smaller units in the District.

- 64 It is recognised that the development would provide solely shared ownership units. However within this there would be a range of 1, 2 and 3 bed units, meaning that the development would offer appeal to individuals, couples and families. Whilst it does not offer a mix in terms of private and rented units, it would help contribute towards a significant need for affordable Housing in the District. Subject to the creation of a satisfactory living environment for occupants (irrespective of whether the units would be private or affordable), I do not consider the development would be contrary to aims within the development plans and NPPF to create healthy and inclusive communities.

*Design and layout / impact upon character and appearance*

- 65 Policies SP1 of the Core Strategy and EN1 of the ADMP seek to ensure that new developments are high quality and respond to their surroundings in terms of scale, site coverage, height and materials.
- 66 Policy SP5 of the Core Strategy seeks to ensure that developments contribute to a mix of different housing types in an area, and seeks the inclusion of smaller units of accommodation in suitable locations.
- 67 Policy SP7 of the Core Strategy seeks for development to achieve a density consistent with achieving good design, and in keeping with the distinctive character of the area. Within Edenbridge new residential development is expected to achieve a density of 40 dwellings per hectare
- 68 The site occupies a plot of around 0.71 hectares, and the proposal to erect 36 units would equate to a housing density of 50 dph. This would meet the first part of the test under SP7 that development should make good and efficient use of land.
- 69 In terms of layout and design, the development has been designed around a three storey flatted building centrally located on the site, with 2 blocks of terraced dwellings on the southern and western boundaries containing 11 and 7 dwellings respectively. A further smaller block of three terraced units would be sited to the east of the flats. All units would have an active road frontage, and land to the rear of the flats and the terrace of three units would be used as a parking court. A further parking court is shown in the south west corner of the site between the two larger terraced blocks, where a right of access is needed to a sub station. Each dwelling would be provided with frontage parking and a private rear garden, and the flatted block would be surrounded by an area of landscaped green space.
- 70 In terms of permeability, the development provides pedestrian access into the adjacent housing estate as a means to physically link it to this existing residential area.
- 71 The terraced dwellings have been designed as two storey units, under a continuous series of gabled roofs linked by valleys. The ridge height of the gables varies from 8.2 to 8.8 metres. The elevations of the terraces would be mainly in brick, and visual interest has been added to the front elevations through the use of recessed doorways with a slight projection in the first floor section above, clad in weatherboarding. Further detailing in

fenestration has been added to the gable roofs, including a brick soldier course.

- 72 The flatted building would be arranged over three storeys, and the building line has been broken up into a series of projections and set-backs. The lower two floors would be constructed in brick with the top floor clad weatherboarding. The overall height of the flatted block would be just over 9 metres.
- 73 The development would represent a point where residential development would extend into the current boundary of the industrial estate. The effect of this on character and appearance is limited by a number of factors. The site occupies a backland position and is partly obscured from Fircroft Way by existing buildings. Whilst it would be visible at points on Fircroft Way, the development has been designed to avoid a standard housing design template, and the use of features such as the long linked gable roof on the terraced block gives a quasi-industrial character to the development, that helps to provide some cohesion with the scale and form of the industrial estate.
- 74 In addition, the existing housing development to the east of Fircroft Way, which was built in the 1960s shares a clear visual link with the industrial state. Houses on this estate have a visual frontage onto Fircroft Way and are clearly part of the existing street scene.
- 75 The design of the proposal has also taken a lead from the adjacent estate insofar that it has been designed with continuous terraces, laid out to be parallel with or at 90 degrees to one another.
- 76 In my opinion, this design works well to bridge the change in character and appearance between the housing estate and the industrial estate. I consider this represents good design and picks up on local distinctiveness, in accordance with policies EN1 of the ADMP and SP1 and SP7 of the Core Strategy.

*Impact upon residential amenities, including those of future residents of the development*

- 77 Policy EN2 of the ADMP states that proposals will be permitted where they would provide adequate residential amenities for existing and future occupants of the development, and would safeguard the amenities of nearby properties.
- 78 The nearest existing residential properties to the site are those to the east, which back on to the existing access road and the former printworks itself. The access road is separated from these dwellings by a grass verge and footpath, although garden depths to these properties are modest. Notwithstanding this, traffic levels from 36 units would be moderate and the existing lawful use would generate vehicle movements on the same access road, including HGV movements. Overall, I consider that the traffic generated from the development would be unlikely to cause undue noise and disturbance to these properties due to the distance and moderate number of units proposed.

- 79 The proposed southern terrace would be at 90 degrees to the existing dwellings on Heron Close to the east. A gap of around 20 metres would be maintained between the rear wall of the closest property at No 11 Heron Close, and the flank wall to the proposed terrace. Part of No 11 includes a rear extension and at this point the gap would be reduced to around 17 metres. Due to the position of the proposed terrace, the units on Heron Close, including No 11, would not directly face towards the flank wall. In any case, the height and distance of the proposed terrace would not contravene recommended daylight and sunlight levels to these existing properties. There would be no windows in the flank wall of the proposed terrace facing these units.
- 80 No 5 Mallard Way is sited immediately to the north of Heron Close, and the principal windows to this property face north and south, with none in the flank wall facing into the application site. The relationship between the proposed development and this property would maintain suitable daylight and sunlight levels, and there would be no windows overlooking existing or proposed residential units.
- 81 The dwellings at No.s 10 and 14 Mallard Way face onto the site and are raised on a higher land level. The rear of these units would face onto the side wall of the 3 units terrace and the parking courtyard to the rear. A gap of 14 metres would be maintained to the flank wall of the proposed terrace, which would contain no windows. Given this distance and change in levels, together with the existence of intervening vegetation on the neighbours side, I am satisfied that no undue harm would arise in terms of loss of light, privacy or outlook to these properties.
- 82 The proposed dwellings and flats would all benefit from outdoor space. Although gardens would be modest in size, this is not uncommon for new residential developments, and it is noted that gardens are also modest in the residential area to the east of the site.
- 83 The proposed units would be flanked by industrial units to the south and west. These are sited on a lower level than the application site and two workshop buildings are single storey in scale with roofs sloping away from the application site. Given the difference in levels and scale / design of the workshop units, the new dwellings would be provided with adequate light provision and outlook.
- 84 A two storey office building is located at the site entrance. This would maintain a distance of 21 metres to the rear of the proposed southern terrace, and is on a lower land level to the application site. At this distance a suitable level of light, privacy and outlook would be provided for occupants of the development.
- 85 As part of a working industrial estate, some of these units clearly have the capacity to generate noise and disturbance. The unit to the south of the site is occupied by a lighting design company. The unit to the west of the site has recently been occupied by AW Champion as a storage / distribution unit for timber supplies. Not only is it important that residential development of the application site would provide a suitable level of amenity for occupants,

it is also important that such residential development would not obstruct the reasonable use of adjacent commercial buildings.

- 86 In addition to EN2, Policy EN7 of the ADMP relates specifically to noise pollution and sets out that proposals will be permitted where -
- The indoor / outdoor acoustic environment for future occupants of the development would be acceptable
  - Development would not result in unacceptable noise levels from existing noise sources that cannot be adequately mitigated.
- 87 The applicant has submitted a Noise Impact Study which sets out likely noise exposure from existing uses surrounding the site. The study concludes that the proposed residential units would be unlikely to suffer from undue levels of noise generated from the industrial units and from the railway line to the north. Some mitigation is recommended, including use of acoustic glazing and alternative means of ventilation.
- 88 The Council's Environmental Health Officer has queried parts of the assessment, but overall he agrees that noise levels are not an impediment to residential development of the site, subject to a planning condition to provide acoustic protection measures. This would include specification for glazing, powered and passive ventilation, and the use of acoustic fencing / barriers.
- 89 In respect of the industrial units, I also note that the application site faces the rear of the existing workshop unit on the southern elevation and the side elevation of unit 1 to the west, and that these elevations are less likely to generate noise than the main front elevations to these buildings. There is an access road to a parking area to the rear of unit 1, which runs next to the application site - and in turn would be adjacent to the proposed dwellings on the western boundary of the site. This parking area is limited in size and used by staff, and in my opinion it would be unlikely to generate a level of vehicle movements that would have unacceptable impacts on the proposed dwellings.
- 90 Taking the above into account, I am satisfied that the development would provide suitable living conditions and levels of amenity to future occupants of the scheme, and would maintain suitable living conditions for those residential properties adjacent to the site. In addition the development, subject to appropriate mitigation, would not detract from the operation of the adjacent industrial estate. As such I consider this would accord with Policies EN2 and EN7 of the ADMP.

#### *Highways safety*

- 91 Policy T1 of the ADMP seeks to ensure that travel impacts arising from a development are suitably mitigated. Policies EN1 and T2 seek to ensure that developments provide safe access and suitable levels of parking.
- 92 Kent Highways do not raise objection to the use of the existing access or traffic generation associated with the residential development as proposed.

The site has operated for many years as substantial commercial premises of around 4500 sqm in floor area, and with more than 60 parking spaces. Access into and out of the site provides good visibility onto Fircroft Way.

- 93 The Highways officer has commented that certain matters would need addressing prior to adoption of the road within the development, such as pavement width and use of bollard lighting. These would represent minor and incidental changes to the development and I consider these would be suitably dealt with under a separate S38 Highways Agreement.
- 94 The development would provide 50 No car parking spaces. Each dwelling would accommodate one on-site parking space, with further communal and visitor parking provided in two courtyard areas. Policy T2 of the ADMP states that parking should be provided in accordance with the current KCC Parking Standards. These require 1 space per unit for 1 and 2 bed flats and 2 bed dwellings, and 1.5 spaces per unit for 3 bed dwellings. The development would provide sufficient spaces to accommodate these requirements. It would also provide 7 no. visitor parking spaces against a requirement to provide 7.2 visitor spaces (based on a calculation of 1 visitor space per 5 new units). As members can see, this falls fractionally short of the guidelines, and Kent Highways do not object to this nominal difference.
- 95 Taking the above into account, I am satisfied that the development would provide adequate parking and would not cause any highways safety issues, in accordance with policies EN1, T1 and T2 of the ADMP.

#### Other Issues

##### *CIL*

- 96 As a proposal for a 100% affordable housing development, the scheme would be exempt from CIL payments. Members will be aware that CIL is the only mechanism under which the Council can seek contributions towards infrastructure improvements, such as doctors' surgeries and schools. However the Government has made clear that CIL cannot be charged for affordable housing, the reason for this being to reduce the financial burden of developing such housing.
- 97 In considering this application, Members will need to consider the benefits of providing a wholly affordable housing development to help address a significant need for such housing in the District. In my opinion, the benefits of contributing to this need would outweigh the loss of CIL revenues that would otherwise emerge under a scheme with open market housing included.
- 98 Lack of open space - an earlier version of the scheme included a play area, which has since been removed as a result of layout and design changes. There is no policy requirement that a scheme of this scale should provide play / open space. There is a play area in the adjacent estate and Stangrove Park is approx. 800m from the site.

## *Ecology*

- 99 The site is almost completely built up and offers limited opportunities for biodiversity. The ecologist has recommended a precautionary approach during construction to ensure that any protected species found are not harmed. Ecological enhancements, such as the provision of appropriate landscaping, bird boxes, and wildlife friendly lighting, are subject to a planning condition.

## *Anti-Social behaviour*

- 100 Some concern has been raised that the parking courtyards could be subject to anti-social behaviour, particularly next to the adjacent industrial unit. The courtyards have been designed to include overlooking from windows and the developer has been in consultation with Kent Police to seek accreditation for “Secured by Design”. It is understood that Kent Police raise no objection to the scheme design, but in any case I have suggested a condition to secure details of measures to be included in the scheme to deter crime. The site boundary within the courtyard would be secured by fencing.

## *Drainage*

- 101 The applicant has provided an outline drainage strategy which is reliant in part on discharge to a shared sewer. The Sustainable Drainage officer at KCC has commented that such discharge should be the last option. Given that the site is almost totally development, there is currently little evidence of a sustainable drainage scheme in operation. The proposed development would improve this. Whilst the drainage officer would prefer further drainage details prior to determination, it is considered that a planning condition would sufficiently deal with this matter.

## **Conclusion**

- 102 The applicant has submitted information to demonstrate that the site, in its current condition, is not viable as ongoing commercial premises, and that the costs of redevelopment are not viable. On balance, this meets the policy tests under SP8 of the Core strategy and EMP1 of the ADMP.
- 103 The development would contribute towards boosting housing supply in the District, and would provide the units as shared ownership affordable housing, for which there is significant need. This would accord with SP3 of the Core Strategy.
- 104 The design and layout of the development is considered to be acceptable in accordance with SP1 of the Core Strategy and EN1 of the ADMP. The development would provide a suitable environment for future occupants and would not compromise the amenities and operation of surrounding properties, including commercial premises, in accordance with EN2 and EN7 of the ADMP.
- 105 The development would provide suitable access arrangements and parking provision, in accordance with policies EN1 and T2 of the ADMP.



106 Subject to the completion of a S106 agreement to secure 40% of units as affordable housing, I would recommend that planning permission is granted.

### **Background Papers**

Site and Block Plan

Contact Officer(s): Mr A Byrne Extension: 7225

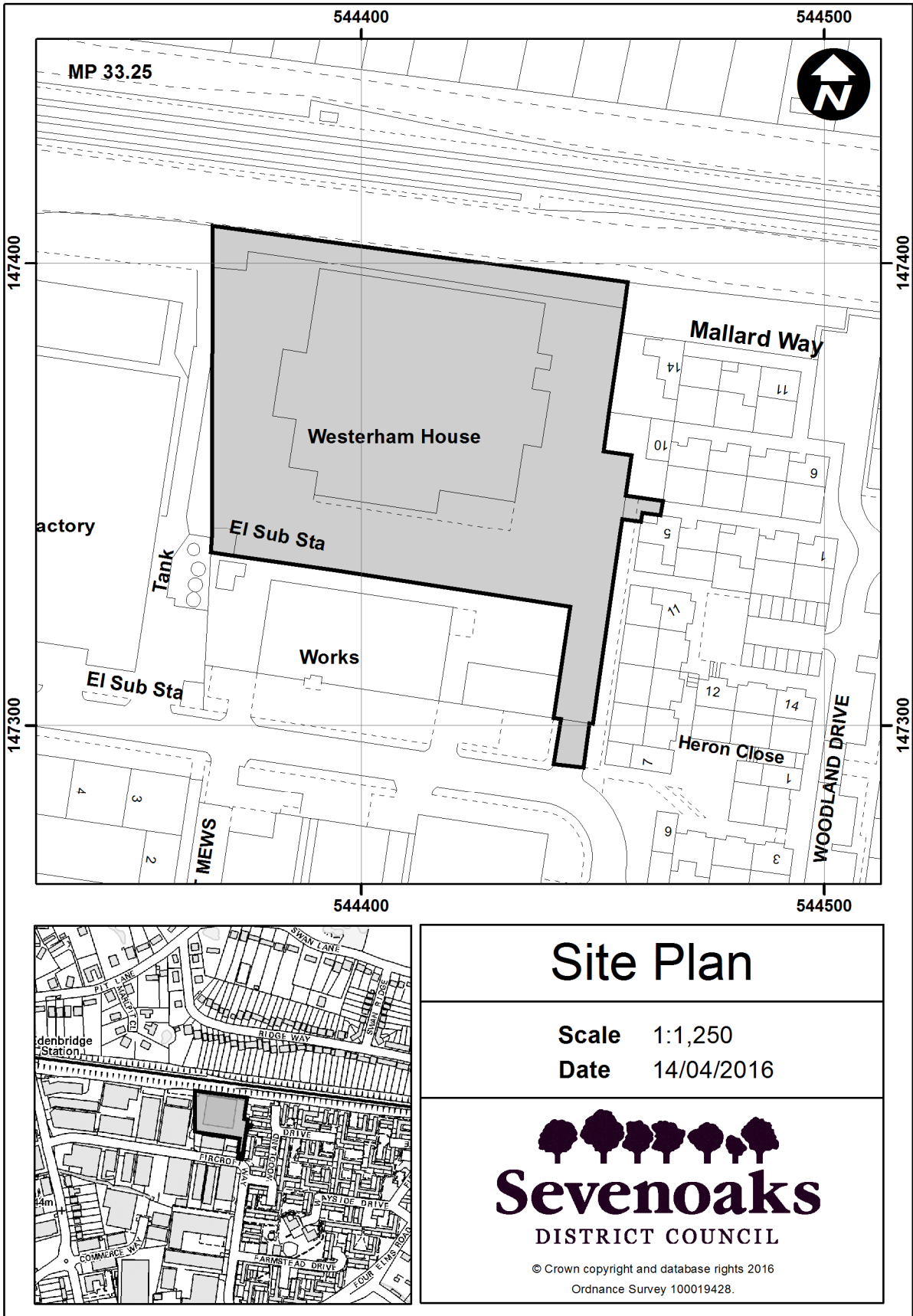
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NJB664BKIL200>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NJB664BKIL200>



To insert IT Map

Block Plan

